

ICPS newsletter®

Readmission: Fulfilling the future treaty will require reforms

At the next Ukraine–EU Summit in October, Kyiv and Brussels are expected to sign the Readmission Treaty and the Agreement on the Facilitation of the Issuance of Visas. The latter will simplify the procedure for obtaining Schengen visas for all Ukrainian citizens, while some groups will be eligible to obtain free long-term, multi-entry visas. The Readmission Treaty brings about certain risks, as the Ukrainian side is not yet prepared to implement it in full. As part of the “Improving the Implementation of Migration Policy by Disseminating EU Experience with Readmission Treaties” project, ICPS specialists prepared a White Paper called “Ukraine’s policy to control illegal migration”

Readmission is a joint responsibility of Ukraine and the EU

Ukraine and the European Union have agreed to sign a Readmission Treaty as part of the Action Plan for 2005–2007. This Treaty provides for Ukraine and EU member countries to accept the return of citizens who have illegally entered or illegally remained on the territory of any of the other countries, as well as to accept illegal migrants who are citizens of third countries or stateless individuals who have come to the territory of one of the countries through the territory of the other country.

The Treaty essentially obligates Ukraine to share responsibility for EU security with the European Union, which Ukraine would like to join, in exchange for the free movement of people, which is a long-term goal of Ukraine and the EU. In the short term, the signing of a Readmission Treaty with the EU is a necessary condition for a simplified visa regime for citizens of Ukraine traveling to the EU.

Ukraine is not ready to implement the Readmission Treaty

However, analysis of the way that Ukraine’s policy regarding the control of illegal migration is actually handled currently reveals that the country is far from ready to carry out the terms of the Readmission Treaty as it pertains to third-country citizens. For the terms of the Treaty as regards illegal migrants who have entered the EU through Ukrainian

territory mean that Ukraine must take responsibility for accepting and detaining them, issuing those travel documents necessary to identify them, and returning them to their countries of origin.

As one of the main transit countries for migrants from CIS countries and Southeast Asia to Western Europe, Ukraine is already running into the problem of countering illegal migration and carrying out the procedures necessary for readmission.

A single migration policy body is needed

The reasons for these problems with enforcing migration control policy lie in the inadequacies of the system for handling migration in Ukraine. For one thing, responsibility for carrying out this policy is scattered among several state agencies. For another, these institutions are unable to respond to current challenges.

In addition, the State Border Service of Ukraine has not been transformed into a proper policing body and continues to be a paramilitary institution. Reforms intended to transform the Interior Ministry from a police ministry to an organ responsible for internal policy, including the management of migration processes, have also not taken place.

Until there is a single executive body responsible for drafting and coordinating migration policy in Ukraine, other problems of a technical nature will never be resolved. The very lack of such a service is the reason why, despite having been allocated money by the EU, no

By the way...

- The methods for analyzing, evaluating and monitoring party platforms developed by ICPS specialists Petro Udovenko, Andriy Zelnytskiy and Volodymyr Nikitin were included in the curriculum of a course called “Policy Studies Methods and Techniques” offered at Donetsk National University. This course is offered to third-year students studying in the department of political science, which is part of the University’s history faculty.
- Over 6–8 September 2006, ICPS specialists Ildar Gazizullin and Olha Shumylo participated in the Krynya International Economic Forum.
- On 28 August 2006, ICPS economist Oleksandr Zholud participated in a talk show on Kyiv, a radio station, dedicated to the tenth anniversary of the hryvnia.

centers for the temporary detention of illegal migrants have been established to date.

Legislation needs to be amended

In addition to institutional changes, Ukraine also has to adopt a slew of changes to its legislation for the purpose of improving its system for determining refugee status and granting asylum on its territory. The problems with the asylum system in Ukraine have led to a situation where Ukraine is unable to carry out its international commitments and is continually subject to criticism from human rights organizations.

In addition, the Constitution of Ukraine requires the adoption of a law establishing the basis for migration policy. This particular piece of legislation should define the goals and objectives of an integrated migration policy in Ukraine, one of the elements of which is controlling illegal migration. Moreover, the adoption of such a law should be

preceded by broad-based expert and public debate, in order that this normative act might become a full-fledged strategy underlying the country's policy for managing migration flows.

Border security needs to be strengthened

Ukraine needs to improve the level of security around its borders, especially on its eastern and northern territories, where there was no international border during soviet times. Setting up an integrated border security system is impossible without equipping the Border Service with modern surveillance, transport and communication technology. In addition, Ukraine needs to organize a network of temporary detention centers for illegal migrants as well as places where they can be held temporarily at border crossings and police stations.

Ukraine may be able to share the financial burden with the EU

At the same time, Ukraine has the right to turn to the EU with a request to share the financial burden for technical provision on the border that it shares with the EU, of training professional staff, and of strengthening the institutional capacities of Ukrainian services, as was done for EU member countries.

The Governments of Ukraine and the EU are supposed to review the issue of increasing financial support for those objectives that fall within the framework of TACIS and of instituting additional

instruments to prepare Ukraine to carry out its Readmission Treaty commitments. Ukraine and the European Union also have to join diplomatic forces to set up a consolidated readmission area, that is, a chain of bilateral agreements among countries of origin, transit and destination of illegal migrants. In the first place, such agreements need to be signed between Ukraine and Russia and between Ukraine and Belarus.

Until Ukraine brings about the institutional, legislative and organizational changes discussed, it will find it impossible to carry out the Readmission Treaty in full. So, before the Treaty is ratified, Ukraine and the EU need to agree that the Treaty will only partly come into force at this time—as regards Ukraine's own citizens. The coming into force of the Treaty's provisions concerning nationals of third countries and stateless individuals makes sense only after a transitional period, which Ukraine must use to thoroughly prepare for the fulfillment of these provisions by consolidating efforts with the EU. ■

The White Paper "Ukraine's policy to control illegal migration," which summarized the results of a study of Ukraine's migration policy and Poland's international experience and input from expert debates involving stakeholders from Government institutions and international and non-government organizations, proposes an alternative independent vision of Government policy to counter illegal migration in Ukraine.

It contains recommendations for institutional reform, legislative changes, and drawing on

technical assistance, as well as proposals for specific policies and programs in migration control and border management. The report also proposes responses to challenges associated with signing a Readmission Treaty with the EU: recommendations on establishing conditions for the detention of illegal migrants, ensuring them legal protection, and carrying out identification and expulsion procedures. Moreover, this paper also lays out broader changes that are needed to improve the effectiveness of Ukraine's migration policy: reforms in the Ministry of Internal Affairs (MIA) and the judiciary.

This document is the final report from the "Improving the Implementation of Migration Policy by Disseminating EU Experience with Readmission Treaties" project implemented by the International Centre for Policy Studies and the Institute for Public Affairs (Warsaw, Poland), with support from the Embassy of the UK in Ukraine. The goals of the project were to help develop better mechanisms for implementing migration policy in Ukraine by disseminating EU experience with readmission treaties and to provide policy recommendations, with special attention to Poland's experience.

An electronic version of the White Paper "Ukraine's policy to control illegal migration" can be found online on the web site of the International Centre for Policy Studies at <http://www.icps.com.ua/eng/project.html?pid=93>.

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The new Government: Economic policy and development prospects

Many aspects of the new Government's economic policy remain a mystery according to ICPS economist and Director of Publications and Economic Research Oleksiy Blinov in an interview with Biznes, a Ukrainian weekly.

It is impossible to form any conclusions based on statements by would-be members of the current Government back in July, as many of these were made as members of the then-opposition. Still, the ICPS specialist says that some economic policy positions are already evident. Specifically, the Cabinet will not drop the intention of reviving special economic zones (SEZs) and territories of priority development (TPDs). On their own, SEZs and TPDs are unlikely to harm the economy and, provided the proper approach is used, they might even provide incentives for economic development.

As for the widespread opinion that the new Cabinet will depreciate the hryvnia, in the face of a strong opposition and media, this would seem to be an exaggeration. The Government is unlikely to try to interfere in activities of the National Bank of Ukraine, so only a slight depreciation of the hryvnia is probable, and it will not be politically motivated. The new Cabinet is not going to completely stop increasing social spending, although,

given the realities of the State Budget, any increases will be moderated.

Import policy could be facing revision. In the last few years, imports have been growing at a rapid pace, which has led to a negative balance of trade. The Government could try to raise import duties or introduce non-tariff restrictions in order to protect domestic producers.

Macroeconomic forecasts for 2006 are fairly optimistic and GDP will most likely grow 5–6%. The ICPS economist expects inflation to pick up this fall as a result of scheduled increases in residential service rates. At the same time, Mr. Blinov says chances are 40–50% that inflation will stay remain in the single digits for 2006.

Industrial output will grow at a similar pace to GDP over 2006. The hryvnia exchange rate will remain the same as now until the end of the year. In 2007, however, the country may see a moderate depreciation of the national currency, with the US dollar possibly rising to UAH 5.30–5.40/USD at the most. In 2006, household incomes will grow 17%, after taking inflation into account. Next year, household incomes will undoubtedly slow down, although they will continue to grow at a decent pace of 12–13%.

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